IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 380 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE J.R.VORA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

NIRAV MAYURBHAI SHAH

Versus

STATE OF GUJARAT

Appearance:

1. Criminal Misc.Application No. 380 of 2004

MR NV GANDHI for Petitioner Nos. 1-2

MR RM CHAUHAN, APP for Respondent No. 1

MR AJ SHASTRI for Respondent No. 2

CORAM : HON'BLE MR.JUSTICE J.R.VORA

Date of decision: 29/11/2004

ORAL JUDGEMENT

1. Heard learned Counsels for the parties. Rule.

Service of Rule is waived by learned APP Mr. R.M. Chauhan for respondent No.1 and learned Advocate Mr. A.J. Shastri for respondent No.2. On the request of learned advocates for the parties, the mater is being disposed of finally.

2. According to learned Advocate Mr. N.V.Gandhi for the applicants - original accused of FIR registered before Maninagar Police Station vide No. I 401/2003 for the charges under Sections 406 and 420 of the Indian Penal Code on 24th of October, 2003, the full amount is paid to respondent No.2 Bank. For that he has also filed an affidavit on record, which is dated 23rd of November, 2004. Learned Advocate Mr. A.J. Shastri for respondent No.2 for the Bank confirms the say of learned Advocate Mr. Gandhi for the applicants and places on record a xerox copy of a letter dated 10.11.04 addressed to Police Inspector, Maninagar Police Station, written by General Manager of respondent No.2 Bank, denoting that the amount covered by the said FIR has been paid to the Bank by the applicants and applicants are issued No Due Certificate.

3. In view of the above, by consensus of the parties, the FIR bearing No. I-401/2003 registered at Maninagar Police Station for the charges under Sections 406 and 420 of the IPC against the applicants is hereby quashed and set aside. Rule is made absolute to that extent.

(J.R. Vora, J.)

p.n.nair